

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

CITY OF CHARLOTTESVILLE, et al.,

Plaintiffs,

v.

PENNSYLVANIA LIGHT FOOT MILITIA,  
et al.,

Defendants.

Case No. 3:17-CV-00078

Judge Glen E. Conrad

**PLAINTIFFS' UNOPPOSED MOTION TO STAY BRIEFING OF DEFENDANT JASON  
KESSLER'S MOTION TO DISMISS**

Plaintiffs City of Charlottesville; Champion Brewing Co., LLC; Escafé; Mas Tapas; Maya Restaurant; Quality Pie; Rapture Restaurant and Night Club; Alakazam Toys and Gifts; Alight Fund LLC; Angelo Jewelry; Hays + Ewing Design Studio, PC; Wolf Ackerman Design, LLC; Williams Pentagon Corporation; Belmont-Carlton Neighborhood Association; Little High Neighborhood Association; and Woolen Mills Neighborhood Association respectfully move this Court to stay the briefing on Defendant Jason Kessler's Motion to Dismiss pending the Court's resolution of Plaintiffs' Motion to Remand to State Court, ECF No. 5, filed on November 3, 2017. Modifying the briefing deadlines would promote judicial economy and preserve the parties' resources, allowing them to postpone further briefing on Defendant Kessler's Motion to Dismiss until the Court determines whether it has subject-matter jurisdiction to resolve Plaintiffs' claims. Staying the briefing on Defendant Kessler's Motion would not prejudice either party.

If the Court denies Plaintiffs' Motion to Remand to State Court, Plaintiffs request that the Court allow Plaintiffs fourteen days from the date of that Order to file their Brief in Opposition to Defendant Kessler's Motion to Dismiss. Defendant Kessler consents to this Motion.

Respectfully submitted,

/s/ Kyle McNew

R. LEE LIVINGSTON (VSB #35747)

KYLE McNEW (VSB #73210)

MichieHamlett PLLC

500 Court Square, Suite 300

Charlottesville, VA 22902

Tel: (434) 951-7200

LLivingston@michiehamlett.com

KMcNew@michiehamlett.com

*Counsel for Plaintiffs*

Mary B. McCord\*

Joshua A. Geltzer\*

Amy L. Marshak\*

Daniel B. Rice\*

Robert Friedman\*

Constitutional Advocacy and Protection

Georgetown University Law Center

600 New Jersey Ave. NW

Washington, DC 20001

Tel: (202) 662-9042

*Counsel for Plaintiffs*

S. CRAIG BROWN (VSB #19286)

City Attorney

P.O. Box 911

605 East Main Street

Charlottesville, VA 22902

Tel: (434) 970-3131

*Counsel for the City of Charlottesville*

\*Admitted pro hac vice in Charlottesville Circuit Court only; not admitted to practice before this Court.

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of November 2017, I electronically filed Plaintiffs' Unopposed Motion to Stay Briefing of Defendant Jason Kessler's Motion to Dismiss using the CM/ECF system, which will send notice of such filing to all counsel of record, including the following:

Elmer Woodard (VSB 27734)  
5661 US Hwy 29  
Blairs, VA 24527  
(434) 878-3422  
isuecrooks@comcast.net

/s/ Kyle McNew

R. LEE LIVINGSTON (VSB #35747)

KYLE MCNEW (VSB #73210)

MichieHamlett PLLC

500 Court Square, Suite 300

Charlottesville, VA 22902

Tel: (434) 951-7200